

REMARKS

Claims 16-34 are all of the claims pending in the present application.

I. FORMAL MATTERS

Applicant notes with appreciation that the *Office Action* indicates that claims 18 and 28 would be allowable if rewritten in independent form.

The Office Action does not acknowledge the claim to priority and does not indicate whether the certified copies of the priority documents have been received from the International Bureau. Applicant respectfully requests the Examiner to do so.

The Office Action does not indicate whether the drawings are acceptable. Applicant respectfully requests the Examiner to do so.

II. PRIOR ART REJECTIONS

Claims 16, 17, 19-22 and 29-34 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Japanese Kokai 6-195880 (Kawai Osamu) in view of Japanese Kokai 7-122040 (Hara Mitsuhiko). This rejection is traversed.

Applicant submits that Kawai Osamu does not teach or suggest to use both a leading frame position and a tail frame position such that a still picture and a moving picture can be used as a title image, as recited by independent claims 16 and 22. The

Examiner asserts that Kawai Osamu teaches generating index information including positions of a leading frame and a tail frame. Applicant respectfully submits that the Examiner's assessment of Kawai Osamu is not correct. Applicant submits that in Kawai Osamu, both a still picture and a moving picture cannot be used as a title image (see page 2 of the present application). Therefore, Applicant submits that Kawai Osamu does not teach or suggest this feature of independent claims 16 and 22.

Applicant submits that Hara Mitsuhiko does not make up for these deficiencies of Kawai Osamu. Therefore, because the combination of Kawai Osamu and Hara Mitsuhiko does not form the invention defined by claims 16 and 22, Applicant submits that the rejection of claims 16 and 22 under 35 U.S.C. § 103(a) is improper. Claims 17 and 23-27 depend from claim 16 or claim 22. Thus, Applicant submits that the rejection of claims 17 and 23-27 also is improper.

The Examiner's rationale for the rejection of independent claims 19-21 and 29-34 is identical to that of claims 16, 17 and 22. However, the Examiner does not mention the features of these claims. Therefore, Applicant submits that the Examiner also has failed to establish a *prima facie* case of obviousness for independent claims 19-21 and 29-34. Thus, the rejection of claims 19-21 and 29-34 is improper.

Based on the foregoing, Applicant submits that the present application is in condition for allowance and allowance is respectfully solicited. If the Examiner believes that any of the outstanding issues could be resolved through a telephone interview, Examiner is kindly invited to contact the undersigned at the number listed below.

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Applicant believes that no additional fees are due for the subject application. However, if for any reason a fee is required, a fee paid is inadequate or credit is owed for any excess fee paid, you are hereby authorized and requested to charge Deposit Account No. **04-1105**.

Respectfully submitted,


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